

WLP

OGC HAS REVIEWED.

The Speaker
House of Representatives
Washington, D. C.

My dear Mr. Speaker:

The Department of Justice recommends the repeal of section 20(a) of the Internal Security Act of 1950 and the enactment in its place of legislation which would better accomplish its intended purpose.

Section 20(a) of the Internal Security Act of 1950 amended section 1(c) of the Foreign Agents Registration Act of 1938, as amended (52 Stat. 631; 22 U.S.C. 611) by adding an additional class of persons to those defined in that section as "agent of a foreign principal." It now reads:

(5) any person who has knowledge of or has received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or of a foreign political party, unless such knowledge, instruction, or assignment has been acquired by reason of civilian, military, or police service with the United States Government, the governments of the several States, their political subdivisions, the District of Columbia, the Territories, the Canal Zone, or the insular possessions, or unless such knowledge has been acquired solely by reason of academic or personal interest not under the supervision of or in preparation for service with the government of a foreign country or a foreign political party or unless, by reason of employment at any time by an agency of the United States Government having responsibilities in the field of intelligence, such person has made full written disclosure of such knowledge or instruction to officials within such agency, such disclosure has been made a matter of record in the files of such agency, and a written determination has been made by the Attorney General or the Director of Central Intelligence that registration would not be in the interest of national security;

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The registration provisions of the Foreign Agents Registration Act make it clear that only those persons who presently or hereafter act as agents of foreign principals are required to register. Any persons who are agents of foreign principals merely by definition, but who are not currently acting as such, are not required to register. Hence, the amendment effected by section 20(a) of the Internal Security Act would require the registration of only those persons who fall within the definition as stated in the section and who have since its enactment acted as agents for foreign principals. Persons with knowledge of or training in the espionage, counterespionage, or sabotage service or tactics of a foreign government or political party, who have not since the enactment of section 20(a) acted as foreign agents, appear to be under no obligation to register.

The amendment effected by section 20(a) of the Internal Security Act was intended as a protection to the internal security of the United States. However, in view of the above-mentioned deficiency, the Congressional objective has not been accomplished. It appears that the only effective way to obtain the registration of all persons having knowledge of foreign sabotage and espionage systems is to require the registration of such persons without regard to their current status as agents.

Another factor which suggests the advisability of a separate registration statute is one of public relations. Since assuming the function of obtaining registrations pursuant to the Act, the Department has endeavored to make it clear that registration in no way places any limitations on the activities which may be engaged in by an agent of a foreign principal and carries no stigma. As a matter of fact, many prominent and respected persons and firms are registered. The entire tenor, import, and objectives of the Foreign Agents Registration Act have been altered by the inclusion therein as agents of foreign principals, persons receiving assignments in espionage and sabotage.

Accordingly, the Department of Justice recommends the repeal of section 20(a) of the Internal Security Act, and the enactment of a separate registration statute to accomplish the objectives to which section 20(a) is directed. There is attached for your consideration a draft of a measure which would effectuate the foregoing recommendation.

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The Bureau of the Budget has advised that there is no objection to the submission of this recommendation.

Sincerely,

A. Devitt Vanech
Deputy Attorney General

TRANSMITTAL SLIP		
7/23/52 (Date)		
TO: General Counsel		
BUILDING South	ROOM NO.	
REMARKS: This is further material on the matter forwarded to you yesterday. REL		
FROM: Ass't to the DCI		
BUILDING	ROOM NO.	EXTENSION

FORM NO. 36-8
SEP 1946

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